



W.P.No.5070 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.5070 of 2020

and

WMP.No.5994 of 2020

K.S.Nandha Kumar

.. Petitioner

Versus

1. The State of Tamil Nadu,
Agricultural Production Commissioner &
Principal Secretary to Government,
Agricultural Department,
Namakkal Kavignar Maaligai,
For St.George, Chennai - 600 009.

2. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai - 600 003.

3. K.Sridevi

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 & 2 to consider the representation of the petitioner and accordingly delete the name of the third respondent on the ground she does not possess the qualification of Diploma in



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Agriculture as prescribed under the Notification No.39/2018, dated 27.12.2018 and accordingly direct the respondents to publish a revised select list by following the horizontal reservation for women and select the petitioner to the post of Assistant Agricultural Officer if he comes within the zone of consideration.

For Petitioner : M/s. A. Pramila
For R1 : Mr.K.Tamil Vendhan,
Government Advocate
For R2 : Mr.R.Bharanidharan,
Standing Counsel

ORDER

The relief sought in this Writ Petition is to issue a writ of mandamus directing the respondents 1 & 2 to consider the petitioner's representation 21.11.2019 and delete the name of the third respondent on the ground she does not possess the qualification of Diploma in Agriculture as prescribed under the Notification No.39/2018, dated 27.12.2018 and direct the respondents to publish a revised selection list by following the horizontal reservation for women and select the petitioner to the post of Assistant Agricultural Officer if he comes within the zone of consideration.



2. According to the petitioner, he completed Diploma in Agriculture from the Tamil Nadu Agricultural University. The Second respondent Commission issued Notification No.39/2018, dated 27.12.2018 calling for application for the posts of Assistant Agricultural officer comprised in Tamil Nadu Agricultural Extension Subordinate Service. As the Petitioner is fully qualified as per said notification, he applied for the said post and appeared for the examination, in which he obtained 233.50 marks and was assigned over all rank of 474 and communal rank 85. When the second respondent published the certificate verification list on 18.06.2019 the Petitioner's name was found, pursuant to which he was called for certificate verification on 28.06.2019. On the same day, the counselling for selection was also conducted. The petitioner attended the certificate verification and also counselling process. Thereafter, he was informed that all posts have been filled up and hence, he cannot be selected. The petitioner sought for information under the RTI Act seeking particulars of the selected candidates but no information is forthcoming till date. Thereafter, the petitioner submitted a representation dated 21.11.2029 requesting a clarification under the RTI Act regarding the filling up the post of Assistant Agriculture Officer, which was not considered till date. Finding no other option, he has come up with this writ petition for the aforesaid relief.



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3. The second respondent has filed a counter affidavit, which reads as follows:

"7. With reference to the averments made by the petitioner in para 16-19 of affidavit, it is submitted that the provisional selection of 6 candidates (who have obtained 3 year Diploma in Agricultural Technology / Agricultural Engineering) including the third respondent viz., Selvi K.Sridevi, had been cancelled as per clause 6(B) of the Commission's Notification dated 27.12.2018 issued for the said post failure to produce/ upload evidence for possessing equivalence of qualification in the form of G.O issued prior to the date of Notification during certificate verification as mentioned in para 6(B) Note (ii) of the notification and also based on the clarification obtained from the Director of Agriculture.

10. It is submitted that the marks and rank obtained by the candidate who were called for Certificate Verification & counselling is as follows;

Category	Rank	Marks
SC(G)	541	230.50

11. It is submitted that the marks and rank obtained by the last selected candidate in the Certificate Verification & Counselling is as follows;

Category	Rank	Marks
SC(G)	541	230.50

Due to paucity of candidates in SC(G)(Ex.ser) category, the candidate who had obtained 389 Rank (marks 239.00) has been allotted under substitution."



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4. The learned standing counsel appearing for the second respondent submitted that there are 16 persons who have secured marks between 230 to 240 and subsequently recruitment has taken place in the year 2021 for recruiting 106+16 carried vacancies in which all the vacancies were filled up with regard to 2018 notification and only five vacancies of disabled quota category are left. He therefore submits that the petitioner cannot be accommodated in the said posts.

5. In spite of such submissions made by the learned standing counsel for the second respondent, the learned counsel for the petitioner submitted that it would suffice, if a direction is given to the respondents 1 & 2 to consider the petitioner's representation dated 21.11.2019, within a time frame to be stipulated by this Court, for which, the learned standing counsel appearing for the second respondent has no serious objection.

6. Considering the limited nature of the relief sought herein, this court, without going into the merits of the case, directs the second respondent to consider the petitioner's representation dated 21.11.2019, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



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7. With the above direction, this Writ Petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No

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